

## REMARKS

Claims 1 - 10 and 30 - 39 remain active in this application. Claims 11 - 29 have been canceled without prejudice or disclaimer. Amendment of claims 1, 6, 10, 30, 35 and 39 has been requested to improve descriptiveness and clarity. Support for the amendments of the claims is found throughout the application, particularly in Figure 3A and the description of the invention on pages 7 - 12 of the specification as originally filed. No new matter has been introduced into the application. The withdrawal of previous grounds of rejection under 35 U.S.C. §112, first and second paragraphs is noted with appreciation.

The Examiner has adhered to the requirement for restriction and made the requirement final. Accordingly, claims 11 - 29 have been canceled without disclaimer or prejudice to further pursuit of the subject matter thereof in a divisional application.

Claims 30 - 39 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This ground of rejection is respectfully traversed as being moot in view of the amendments requested above which clarify the "system" that is referenced. Accordingly, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Claims 1 - 10 and 30 - 39 have again been rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This ground of rejection is again traversed for the reasons of record which are hereby fully incorporated by reference and, particularly, as having been rendered moot by the amendments requested above.

Specifically, the Examiner now asserts that the functional modules claimed (but without mention of their claimed interaction) which the Examiner admits to constitute an apparatus appear to lack physical components and thus can be construed as software *per se*. This position taken by the Examiner is respectfully submitted to be in error since software *per se* would be incapable of the claimed functions or interactions performed by the recited modules but would require execution on a computer or data processing circuitry in order to be operative in the manner claimed. Thus, the modules are clearly not only tied to the hardware which they configure to carry out such functions but, in combination, constitute a useful and operative apparatus. See also *In re Prater & Wei*, cited in the previous response. Nevertheless, in an effort to satisfy the Examiner, all independent claims in the application have been amended to explicitly state that the modules claimed are embodied by one or more programmed computers or a workstation or in ASICs or component circuits.

Further in this regard, it is respectfully submitted that the Examiner's assertion that the claims are non-statutory because they are directed to "functional descriptive material" is also in error. Non-functional descriptive material is considered to be necessarily non-statutory while *functional* descriptive material, to which the Examiner asserts the claims to be directed, may or may not be statutory subject matter and, when properly analyzed, particularly in regard to the recited functions of the recited modules and their interactions and the overall apparatus they constitute, should be deemed manifestly statutory subject matter.

Accordingly, it is respectfully submitted that this ground of rejection is clearly in error and untenable in

regard to the claims as currently rejected or as amended as requested above. The requested amendatory language clearly and unambiguously ties the claimed subject matter to a particular hardware device, fully answering the Examiner's current criticisms which are also respectfully submitted not to be well-taken. Therefore, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Claims 1 - 10 and 30 - 39 have again been rejected under 35 U.S.C. §103 as being unpatentable over Van Huben et al. in view of Williams et al. This ground of rejection is also respectfully traversed for the reasons of record which are hereby fully incorporated by reference and the further remarks provided below.

The invention provides a substantial enhancement to enterprise and collaborative engineering types of systems where numerous persons with different skill sets and expertise are working in parallel on a given project by providing notification of the availability of information as it is stored in a comprehensive library for collection of data developed by those persons upon storage of the data but limiting the data routing and notifications to those persons, organizations and departments to whom the data is relevant. this limitation of distribution is performed in several ways: by converting the information of documents produced into data objects in the form of "document strings" by a lexical analysis (e.g. by punctuation, markers and the like) and then parsing the data objects to determine their individual content whereby routing may be coarsely controlled in accordance with business rules; by determining and eliminating root causes for receipt of unwanted data by a group, organization or department and by setting trigger criteria by the owner or a user of the data to cause

delivery of information that may contain data of interest which would not otherwise be delivered under the business rules. These latter two techniques are substantially complementary and essentially deal with exceptions to the coarsely defined distribution and routing specified in the "business rules" even though the "business rules" may be as fine-grained as desired. The business rules, in turn, are a group of criteria which specify how the enterprise is to be conducted such as the relevance to or linkage between persons, organizations and departments which are differently tasked but whose work output may affect decisions and work output of other persons, organizations and departments, determination or whether or not performance requirements are being adequately satisfied and the like. Thus, the vast majority of data or documents that may be needed by any member of the enterprise may be accessed in accordance with respective data objects which are distributed with a high degree of selectivity and accuracy of relevance to the task(s) of any member of the enterprise very shortly following the moment at which the data/document is created or becomes available to the enterprise. Complications due to use of different hardware or software in different parts of the enterprise which may not be compatible with each other are avoided by collecting and storing data or documents in their native format but then dividing the documents into data objects through lexical analysis and then parsing the data objects to determine their individual content for purposes of accessing the data or document and then providing the data or document in a standardized format, if necessary when accessed by a user.

These meritorious functions are achieved, as claimed, by providing a first or open architecture module which receives and provides data in the native format

(whatever that format might be) as it is produced by the hardware/software utilized by any given enterprise member (e.g. the "open architecture" module provides accommodation of any equipment used by any member of the enterprise); providing a second or "autonomous agent" module that "autonomously" collects the data provided by the open architecture module and, additionally, provides for the specification and storage (e.g. "setting and warehousing") of the business rules (e.g. including coarse data object routing information) and trigger criteria (e.g. fine or exceptional data object routing information) and thus essentially provides input to the third or "workflow manager" module which manages the storage of the data provided from the open architecture module and collected by the autonomous agent module and, when the data is stored and after the data or documents are divided into respective data objects and parsed to determine their content, routes notifications to selected members of the enterprise in accordance with business rules in accordance with the content of the data objects (routing based on trigger criteria being performed by the autonomous agent module while undesired data objects are separately analyzed for elimination by the root cause analyzer module).

Van Huben et al., while being directed to an enterprise system, appears to be directed to a very different functionality of establishing a hierarchy of libraries (without limit) such that private libraries of apparently arbitrary user-selected documents are available to users (e.g. to avoid "bottlenecks" in accessing a particular server to obtain a particular document and to avoid a need for controls within a given user's workspace) and public libraries which contains the data resulting from the collaboration which is subjected

to progressively tighter controls for verifying consistency of content and satisfaction of design criteria through various engineering and release levels as data is "promoted" from level to level which denote respective degrees of quality of the design (see column 13, line 43). Thus, routing of data in Van Huben et al. is largely directed to the testing and verification of data as it is "promoted" toward a final form or version where the "promotion" is based on testing of the content against design criteria rather than routing of data objects to users to whose tasks the underlying data may be relevant or of interest in near real time as the underlying documents are created and stored to be accessible by enterprise members.

Thus, for example, the "data types" and the passage of column 11 of Van Huben et al. relied upon by the Examiner have essentially nothing to do with the claimed function of the "open architecture module". The passage of column 11 merely describes the fields displayed in the interface for establishing an "anchor" file name for a design and various attributes thereof (which does not answer the recitations of an interface for accessing the respective modules, as recited in claims 1 and 30).

"Data Types (section 1.3)" simply describes the segregation of different file types which may require different amounts of design control for versioning and level tracking and tracking data types from particular sources so that different controls may be applied.

In regard to the autonomous agent module, the Examiner dismisses and accords no patentable weight to the recited function thereof as an "intended use" and essentially asserts that "design rules" are "business rules" notwithstanding that the "design rules" do not answer even the type of control for which they are used

by the "workflow manager module" as must be considered in the course of considering the claimed subject matter as a whole.

In regard to the recitations of functions of the workflow manager module, the Examiner equates the data manager of Van Huben et al. thereto and asserts that it "enforces rules for types of data, locations, access, control and the like" while remaining silent or noting a function not corresponding to the functions explicitly recited; with which the asserted functions of the data manager have nothing to do. Similarly, the Examiner further notes "library management" controlling ownership of the data and notification of task completion but is silent as to the explicit claim recitations (as currently rejected or amended as requested) of

"storage of said data gathered by said first module and, upon said storage, delivering data objects derived by lexical analysis ~~from dividing said data provided by said first module into document strings and delivering said data objects~~ to selected ones of said individual departments, organizations and individuals in accordance with said business rules based on semantic parsing of said data objects ~~and said business rules~~".

The above recitations in regard to three modules which support the principal functions of the invention are common to all independent claims in the application and, as has been demonstrated above, none of these recitations are answered by Van Huben et al. Such fundamental deficiencies of Van Huben et al. in regard to each of the basic modules and the interface supporting the basic meritorious functions of the invention are not mitigated by Williams et al. and the Examiner does not

assert that they are; the Examiner citing Williams et al. solely for the teaching of data mining.

Therefore, it is again respectfully submitted that no *prima facie* demonstration of obviousness has been or can be made based on the teachings, suggestions or the level of ordinary skill in the art discernible from Van Huben et al. and Williams et al. The combination of the two references does not answer even the individual module recitations discussed above, much less their explicitly recited interaction, or lead to an expectation of success in achieving the meritorious functions of the invention. Moreover, since the combination and interaction of the modules, as claimed has not been addressed by the Examiner as noted above, the Examiner's position does not consider the claimed subject matter as a whole (while dismissing some recitations of particular functions as merely statements of intended use). Therefore, it is respectfully submitted that the ground of rejection based on Van Huben et al. and Williams et al. is clearly in error and untenable and, upon reconsideration, should be withdrawn. Accordingly such action is respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a

conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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